

THE THIRD DAY.

7th January 1907.

The Assembly again met at 12 noon on Monday the 7th January 1907.

Mr. Padmanabhan Tampi (Vilavancode) who followed *Mr. C. Padmanabha Pillai* pointed out that there were many needless items of expenditure for civil litigants in addition to copying fees and prayed that these might be abolished as far as possible.

Reply.—Many of the irregularities referred to by *Mr. C. Padmanabha Pillai* on Saturday evening are in the nature of general abuses incidental to the system, but wherever preventible Government and the High Court will endeavour to minimise the evils complained of. *Mr. Padmanabhan Tampi's* observations will also be borne in mind.

81. Abolition of court-fees for written statements and vakalaths in small cause cases.

Mr. Varkey Oothuppu (Ettumanur) suggested that the Court-fees Regulation might be amended so as to enable parties to put in vakalaths and written statements without undergoing any expenditure.

Reply.—The present law is contained in Articles 6(a) and 7 of Schedule II of the Court-fees Regulation (I of 1062) subject to clauses (a), (c) and (g) of section 12. No relief can be afforded in the matter of vakalaths. As regards written statements which are merely answers to some claim or demand, involving no prayer, it is desirable to bring the practice here into conformity with what obtains in British India, where after a Bombay High Court decision court-fees for written statements have been abolished. The feasibility of modifying the Court-fees Regulation in this respect will be considered.

82. Empowering Tahsildars or Deputy Tahsildars to dispose of small cause suits.

Mr. Varkey Oothuppu (Ettumanur) observed that proper attention was not paid to these suits by Munsiffs and it would be a convenience

to the parties if Tahsildars or, failing them, Deputy Tahsildars could be invested with power to try and dispose of them.

Reply.—This is impracticable and opposed to the observation made on Saturday that the Tahsildars are overworked officers. Though small cause suits are tried summarily and no appeal is allowed in them, still a knowledge of law and procedure is indispensable for their satisfactory disposal, and, in the few instances in which revenue officers have been invested with the power now proposed, the system has been found not to work well. Government think the suggestion is retrograde and cannot be adopted.

83. Desirability of issuing processes from courts only to such number of witnesses as could be examined on a single day.

Mr. Varkey Oothuppu (Ettumanur) requested that a rule might be passed to this effect.

Reply.—There are circulars on the subject and I believe they are being enforced as far as possible. But it is undesirable and impracticable to place any such limit.

84. Empowering monegars to attest affidavits.

Mr. G. Sankaranarayana Iyer and Mr. Sattanathan Karayalan (Shencottah) prayed for monegars or provertikars being authorized to attest affidavits, as the present rule empowering civil and criminal courts to do the same was a source of inconvenience to the parties.

Reply.—The law is contained in section 192 of the Civil Procedure Code. The number of cases in which matters will have to be proved through affidavits is limited and there is a further provision in section 415 of the Criminal Procedure Code as to the filing of affidavits before the High Court. The High Court have the necessary powers in these matters and they will be addressed in view to consider how far the rules can be relaxed.

85. Desirability of laying down rules for regulating the valuation of improvements on properties in connection with civil suits.

Mr. N. Padmanabha Pillai and Mr. K. KochuThomman (Chengannur) prayed for some uniform procedure being laid down in this respect.

Reply.—Section 377 of the Civil Procedure Code provides for the